

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

ANDREW FIALDINI and	:	
MARYANN FIALDINI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	1:12-cv-1056 (LMB/TRJ)
	:	
ERIC COTE, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION FOR ORDER FOR DIA TO SHOW CAUSE**

COME NOW the Defendants, Eric Cote, Gary Gaither, Jaime Sanford, Josiah Kennedy and Stephen O. Simpson (hereinafter referred to collectively as "Defendants"), by and through undersigned counsel, Alexander Francuzenko, Broderick C. Dunn, and the law firm of Cook Craig & Francuzenko, PLLC, moves this Court to enter an Order requiring the Defense Intelligence Agency (hereinafter referred to as "DIA") to show why it is not in contempt for having failed to comply with Defendants' Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (hereinafter referred to as the "Subpoena") pursuant to Federal Rule of Civil Procedure 45, *et seq.*, and in support thereof, state as follows in the accompanying memorandum.

WHEREFORE, Defendants request an order directing DIA to show cause that it should not be punished for contempt for its failure to comply with the Subpoena. No previous application for such an order has been made.

Respectfully submitted,

/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of May, 2013, I served a copy of the foregoing Motion for Order for DIA to Show Cause via ECF transmission and email to:

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